

SENATE BILL 997

A2

EMERGENCY BILL

11r3143

By: **Senator Klausmeier**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 24, 2011

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Baltimore County – Alcoholic Beverages – Expiration of Licenses – Extension**
3 **for Casualty Loss**

4 FOR the purpose of authorizing the Board of License Commissioners for Baltimore
5 County under certain circumstances to extend an alcoholic beverages license for
6 a certain time if the licensed premises is forced to close because of a casualty
7 loss; authorizing the circuit court to extend a license under certain
8 circumstances if the circuit court finds that extraordinary cause exists;
9 requiring the licensee to resume active alcoholic beverages business operations
10 under certain circumstances; making this Act an emergency measure; and
11 generally relating to alcoholic beverages licenses in Baltimore County.

12 BY repealing and reenacting, with amendments,
13 Article 2B – Alcoholic Beverages
14 Section 10–504(e)
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2010 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 2B – Alcoholic Beverages**

20 10–504.

21 (e) (1) (i) This subsection applies only in Baltimore County.

22 (ii) In this subsection, “Board” means the Board of License
23 Commissioners or the Office of the Comptroller, whichever is the issuing party.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) 180 days after the holder of any license issued under the provisions
2 of this article has closed the business or ceased active alcoholic beverages business
3 operations of the business for which the license is held, the license shall expire unless:

4 (i) An application for approval of a transfer to another location
5 or an application for assignment to another person pursuant to § 10–503 of this article
6 has been approved or is then pending;

7 (ii) An application pursuant to § 10–506 of this article has been
8 approved or is then pending; or

9 (iii) A written request for a hardship extension, as provided in
10 this subsection, is filed within the 180–day period.

11 (3) **[The] EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS**
12 **SUBSECTION, THE** licensee or other appropriate interested parties may make a
13 written request to the Board for an extension of the life of the license, due to undue
14 hardship, for a time period of no more than a cumulative period of 360 days after the
15 date of closing or cessation of alcoholic beverages business operations of the business
16 for which the license is held.

17 (4) **[After] EXCEPT AS PROVIDED IN PARAGRAPH (7) OF THIS**
18 **SUBSECTION, AFTER** a hearing conducted on the extension request, upon a finding
19 that undue hardship currently exists causing the closing or cessation of business
20 operations, the Board may grant an extension of the life of the license for a time period
21 not to exceed 360 days as defined in paragraphs (3) and (5) of this subsection.

22 (5) It is the intention of this subsection that the total time period for
23 which a license may be deemed unexpired under paragraph (2) of this subsection is
24 180 days if no undue hardship extension is granted and no more than 360 days if an
25 undue hardship extension has been granted. The time period begins at the earlier of
26 the closing of the business or cessation of alcoholic beverages business, and shall be
27 tolled only upon the filing of an application or request described in paragraph (2) of
28 this subsection, the expiration period to begin running again, cumulatively to the time
29 period before the filing of the application or request, upon the occurrence of the later to
30 occur of the following events:

31 (i) Final action of the Board granting or denying a request
32 authorized by paragraph (3) of this subsection;

33 (ii) Final action of the Board denying an application described
34 by subparagraphs (i) or (ii) of paragraph (2) of this subsection; or

35 (iii) Final judgment of the appellate court when judicial review
36 of the Board's action on an application or request authorized by paragraphs (2) or (3)
37 of this subsection has been sought, or upon dismissal of a petition for judicial review.

1 (6) In the event that an application or request to the Board described
2 in paragraph (2) or (3) of this subsection is withdrawn, there shall be no tolling of the
3 period for automatic expiration of the license and it shall be deemed as if no such
4 application or request was filed.

5 **(7) (I) IF A LICENSED PREMISES IS FORCED TO CLOSE**
6 **BECAUSE OF A CASUALTY LOSS, THE BOARD, WITHOUT CIRCUIT COURT**
7 **APPROVAL, MAY EXTEND THE LICENSE FOR NOT MORE THAN 2 YEARS AFTER**
8 **THE CLOSING.**

9 **(II) THE CIRCUIT COURT MAY EXTEND A LICENSE BEYOND**
10 **AN EXTENSION GRANTED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE**
11 **CIRCUIT COURT FINDS THAT EXTRAORDINARY CAUSE EXISTS.**

12 **(III) IF THE CIRCUIT COURT EXTENDS A LICENSE UNDER**
13 **SUBPARAGRAPH (II) OF THIS PARAGRAPH, WHEN THE EXTENSION EXPIRES THE**
14 **LICENSEE IMMEDIATELY SHALL RESUME ACTIVE ALCOHOLIC BEVERAGES**
15 **BUSINESS OPERATIONS AT THE LICENSED PREMISES AND CONTINUE THE**
16 **OPERATIONS AT THE LICENSED PREMISES FOR AT LEAST 1 YEAR.**

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
18 measure, is necessary for the immediate preservation of the public health or safety,
19 has been passed by a yea and nay vote supported by three-fifths of all the members
20 elected to each of the two Houses of the General Assembly, and shall take effect from
21 the date it is enacted.